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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number 09/747,179

Filing Date 12/21/2000

First Named Inventor John G. Deshayes

Group Art Unit 2176

Examiner Name Not Yet Assigned

Attorney Docket Number EM-99-042

Total Number of Pages in This Submission 13

ENCLOSURES (check all that apply)

- ☐ Fee Transmittal Form
- ☐ Fee Attached
- ☐ Amendment / Reply
- ☐ After Final
- ☐ Affidavits/declaration(s)
- ☐ Extension of Time Request
- ☐ Express Abandonment Request
- ☐ Information Disclosure Statement
- ☐ Certified Copy of Priority Document(s)
- ☐ Response to Missing Parts/ Incomplete Application
- ☐ Response to Missing Parts under 37 CFR 1.52 or 1.53

- ☐ Assignment Papers (for an Application)
- ☐ Drawing(s)
- ☐ Licensing-related Papers
- ☐ Petition
- ☐ Petition to Convert to a Provisional Application
- ☐ Power of Attorney, Revocation Change of Correspondence Address
- ☐ Terminal Disclaimer
- ☐ Request for Refund
- ☐ CD, Number of CD(s)

- ☐ After Allowance Communication to Group
- ☐ Appeal Communication to Board of Appeals and Interferences
- ☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
- ☐ Proprietary Information
- ☐ Status Letter

☒ Other Enclosure(s) (please identify below):Statement Establishing
Proprietary Interest

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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm
or
Individual name

EMC Corporation, Leanne J. Fitzgerald

Signature

Date

3.27.02

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: March 27, 2002

Typed or printed name

Patricia MacMunn - PATRICIA MACMUNN

Signature

Date

3/27/2002

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#7

Atty Docket No. EMC-99-042

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: John G. Deshayes et al.

Serial No.: 09/747,179

Art Unit: 2176

Filing Date: December 21, 2000

Examiner: Not Yet Assigned

Title: METHODS AND APPARATUS FOR REDUCING RESOURCE CONTENTION
PARALLEL DATA BACKUP PROCESSES

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**STATEMENT ESTABLISHING PROPRIETARY INTEREST BY PERSON
SIGNING ON BEHALF OF NONSIGNING INVENTOR**

I. I, Paul T. Dacier, of EMC Corporation, 35 Parkwood Drive, Hopkinton, Massachusetts 01748, am the person signing this statement on the above-identified application on behalf of a nonsigning inventor, *Alison Peacock*, to an Assignment, and make this statement as to the facts establishing EMC Corporation's proprietary interest.

II. As of the date I signed this statement for this application, the proprietary interest in this invention belonged to EMC Corporation.

III. On February 22, 2001, Alison Peacock signed the Declaration for Patent Application (Attachment "A"). This patent application has now been assigned U.S. Serial No. 09/747,179.

IV. Upon information and belief, Alison Peacock did not sign the Assignment stating she did not have access to a notary public. Subsequently, Alison Peacock left the employ of EMC Corporation and the Assignment remains unexecuted.

V. I, Paul T. Dacier, on behalf of EMC Corporation, establish the proprietary interest in the above identified application by attaching a copy of the agreement whereby the nonsigning inventor, Alison Peacock, agreed to assign this invention. Please see Attachment "B".

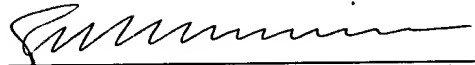
VI. ASSIGNEE'S STATEMENT

In accordance with 37 C.F.R. Section 3.73, the assignee, EMC Corporation, hereby states that the evidentiary documents with respect to its ownership have been reviewed and that, to the best of assignee's knowledge and belief, title is in the assignee seeking to take this action.

**VII. PROOF OF NEED TO PREVENT IRREPARABLE DAMAGE OR PRESERVE THE RIGHTS
OF THE PARTIES**

Employee Agreement dated: January 23, 1997.

Date: 3/27/02



**Paul T. Dacier
Senior Vice President and
General Counsel**